

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

ERIC S. DYM,

Chapter 7
Case No. 1-19-43395-nhl

Debtor.

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**APPLICATION FOR THE RETENTION OF MYC & ASSOCIATES, INC., AS REAL
ESTATE BROKER FOR THE CHAPTER 7 TRUSTEE**

TO: THE HONORABLE NANCY HERSHY LORD
UNITED STATES BANKRUPTCY JUDGE
EASTERN DISTRICT OF NEW YORK

The Application of Richard J. McCord, as Chapter 7 Trustee of the above-captioned Debtor respectfully represents as follows:

1. On May 31, 2019 (the “Petition Date”), Eric S. Dym, (the “Debtor”), filed a voluntary petition for relief pursuant to Chapter 7 of Title 11 of the United States Code (11 U.S.C. §101 *et seq.*, “Bankruptcy Code”).
2. Pursuant to the Notice of Appointment dated May 31, 2019, Richard J. McCord was appointed Trustee for the Estate (the “Trustee”) and is now qualified and act as such Trustee.
3. The Trustee seeks a Court Order, pursuant to Local Rule 2014-1 of the Local Rules of the Eastern District of New York and Section 327 of the Bankruptcy Code authorizing the retention of MYC & Associates, Inc. (“MYC”) as Real Estate Broker for the Trustee and believes MYC to be qualified to act as such in connection with concluding and settling the sale of the real properties located at 20 Robinson Avenue, Staten Island, New York, 4193 Amboy Road, Apt. 6B, Staten Island, New York 10308 and 100-23 Seaview Avenue, Brooklyn, New York 11236 (the “Properties”).

4. As can be seen from the Affidavit of Marc Yaverbaum, annexed hereto as **“Exhibit A”**, MYC is a disinterested party, as such term is defined in Section 101(14) of the Code, with respect to the Trustee, the Debtor and his Estate in the matters upon which MYC is to be engaged by the Trustee.

5. MYC is a full service consulting, marketing, auction, appraisal, liquidation, real estate brokerage and management firm whose principals have been engaged in this field and have dealt with the type of matter involved herein. Members of MYC have significant experience with the liquidation, valuation and appraisal of this type of asset of the Debtor. MYC is duly licensed to transact business as a real estate broker as recognized by the Department of State of New York.

6. The Trustee submits that the retention of MYC, as Real Estate Broker, if approved, would enable the greatest recovery and would be in the best interests of the estate, its creditors and other parties in interest.

7. The professional services which MYC shall render to the Trustee include marketing and selling the Properties. Any fees claimed to be owed to MYC in this matter are subject to the approval by the United States Bankruptcy Court. MYC is requesting that the Court allow a real estate broker commission in the amount of six (6%) percent of the gross selling price. MYC will agree to absorb all advertising expenses incurred in connection with such sale.

8. MYC agrees that the payment of the commissions earned by MYC in this matter will only be paid to MYC upon the submission of the proper application made to the Court with prior consent and approval by the Trustee and his counsel.

9. To the best of Trustee’s knowledge, MYC does not have any connection with the Trustee, the Debtor’s creditors or any other parties in interest or their respective attorneys or

accountants, the United States Trustee or any person employed in the Office of the United States Trustee.

10. MYC, is a disinterested party, as such term is defined in Section 101(14) of the Code, with respect to the Trustee, Debtor and its Estate in the matters upon which MYC, is to be engaged by the Trustee.

WHEREFORE, the Trustee respectfully prays for an Order of this Court authorizing the Trustee to retain MYC & Associates, Inc., to act as his Real Estate Broker in connection with the sale of the Debtor's real properties located at 20 Robinson Avenue, Staten Island, New York 10312, 4193 Amboy Road, Apt 6B, Staten Island, New York 10308 and 100-23 Seaview Avenue, Brooklyn, New York 11236; together with such other and further relief as to this Court may seem just and proper.

Dated: East Meadow, New York
July 22, 2019

/s/ Richard J. McCord
RICHARD J. MCCORD, ESQ.
Chapter 7 Trustee for the Estate of
Eric S. Dym
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East Meadow, New York 11554
(516) 296-7000